

REMARKS

Status of the Application

Claims 2-28 and 30-31 are all the claims pending in the Application, as claim 1 is hereby cancelled without prejudice or disclaimer. Claims 1-28, 30 and 31 have been rejected.

Indefiniteness Rejection

The Examiner has rejected claims 1-28, 30 and 31 as being indefinite under 35 U.S.C. § 112, second paragraph, taking the position that “the scope and meaning of ‘pseudo-land portion(s) is unclear.” Although this term is believed to be clear from the Application as filed, as a path of least resistance, Applicant has amended claims 3 and 31 to recite that “said pseudo-land portion comprises a slant face on a ground contact side so that said slant face does not contact a ground surface.” Thus, withdrawal of the § 112 rejection is respectfully requested.

Claim Rejections

The Examiner has rejected claims 1-28, 30 and 31 under 35 U.S.C. §§ 102 and 103 over various references and/or combinations of references. Claim 3, which was dependent from independent claim 1 as filed, was rejected only under 35 U.S.C. § 102(b) as being anticipated by EP '310 (EP 0867310 A2) (along with claims 1, 2, 4-6, 8, 14, 16-22, 24-26, 28, 30 and 31).

Accordingly, claim 3 is hereby rewritten in independent form, and claim 1 is cancelled. The remaining dependent claims are amended to depend either directly or indirectly from independent claim 3. Additionally, independent claim 31 is amended to recite features similar to claim 3.

Thus, Applicant respectfully submits that the various rejections of record in view of JP '024 (JP 09-002024), JP '605 (JP 03-086605), JP '025 (JP 05-319025), WO '022 (WO 95/18022), Miyazaki (US 6,138,728), Ikeda (US 6,112,788), Brown et al. (US 5,658,404) and EP '905 are now moot, and respectfully requests their corresponding withdrawal.

Claim 3

Regarding the rejection of claim 3 in view of EP '310, the Examiner takes the position that “the claimed pseudo land portion reads on one of the acute angle corner portion[s] (72, 81, 91) of the block which is beveled over a distance of 10-30 mm from a tapered end thereof in a longitudinal direction so as to gradually shallow from the tapered end toward a width widened portion” (See Office Action, pg. 6, first full paragraph).

However, Applicants respectfully submit that EP '310 fails to teach or suggest *at least* “a pseudo-land portion formed in the circumferential groove,” where “said opening position of said slant groove is located on a side of the circumferential groove opposite to said pseudo-land portion formed on another side of said circumferential groove,” as recited in claim 3.

Specifically, as Applicant previously explained (see January 8, 2003 Amendment, pg. 7, last full paragraph):

corner portions 71, 72, 81 and 91 of EP '310 are not formed in circumferential grooves 1 or 2, nor are these features formed opposite to the opening position of slant grooves 4, 5 or 6. Rather, corner portions 71, 72, 81 and 91 are merely shaped areas of tread blocks 7, 8 and 9 that form the walls of the grooves themselves. Thus, as these corner portions define the shape of the walls of the grooves themselves, they cannot also be in grooves 4, 5 or 6.

The Examiner has responded that “this argument does not appear to make any sense because applicant’s illustrated pseudo-land portion forms the walls of the grooves themselves.” (See Office Action, pg, 6, last paragraph).

Applicant respectfully submits that the Examiner is incorrect. The instant Application clearly contemplates and discloses that the recited “pseudo-land portions” are structures different from the “sides” of the circumferential groove.

In fact, claim 3 recites that that the “pseudo-land portion” is “formed in the circumferential groove.” Claim 3 also recites that the “pseudo-land portion” is “formed on another side of said circumferential groove,” which is opposite to the “opening position of said slant groove” formed on a “side of the circumferential groove.” Thus, the “side” of the “circumferential groove” is clearly not defined by the “pseudo-land portion,” as the Examiner believes.

In contrast, EP ‘310 discloses circumferential grooves 1 and 2 that “form” blocks 7, 8 and 9 (see Abstract). Thus, blocks 7, 8 and 9 must form the “sides” of circumferential grooves 1 and 2. Otherwise, no “groove” could be formed. Thus, as corner portions 71, 72, 81 and 91 are formed as *parts* of blocks 7, 8 and 9 (*i.e.*, they are coextensive with portions of the blocks 7, 8 and 9), the corner portions also must form the “sides” of the circumferential groove. In other words, the corner portions 71, 72, 81 and 91 cannot be “in” the circumferential groove if they “form” the groove, and therefore do not teach or even fairly suggest Applicant’s “pseudo-land portions.”

Thus, claim 3 is believed to be patentable over EP '310. Further, Applicant respectfully submits that dependent claims 2-28 and 30 are allowable, *at least* by virtue of their dependency.

Claim 31

As discussed above, claim 31 has been amended to recite the features of original claim 3. Thus, the rejections of claim 31 involving references other than that applied to claim 3, *i.e.*, other than EP '310, are now believed to be moot.

Claim 31 is believed to be allowable for at least the same reasons discussed above with respect to claim 3, *i.e.*, that the corner portions 71, 72, 81 and 91 of EP '310 are coextensive with portions of the blocks 7, 8 and 9, and therefore cannot teach or suggest *at least* "a pseudo-land portion formed in the circumferential groove," where "the pseudo-land portion is arranged adjacent to a first groove wall of the circumferential groove not opened to the slant groove."

Thus, Applicant respectfully submits that independent claim 31 is patentable over EP '310, and requests the withdrawal of this rejection.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 2-28 and 30-31 are clearly patentable. Thus, it is respectfully submitted that the application now is in condition for allowance with allowable claims 2-28 and 30-31.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.116
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Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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